

REMARKS/ARGUMENTS

After amendment, the pending claims are 33 and 47-53. The claims were amended in an effort to place the application in condition for allowance and as suggested by the Examiner. No new matter is added by these amendments.

Substance of Interview

Applicants would like to express their appreciation to Examiner Qian for the courtesy of the interview on March 15, 2005 with Applicants' representative Tracy Palovich (Reg. No. 47,840). In this interview, the Examiner indicated that some minor objections still remained regarding the claim language of claims 33 and 49 and sequences omitted from the sequence listing. In view thereof, the Examiner indicated that the finality of the Final Office Action dated November 2, 2004 would be withdrawn and that a second Office Action would be issued in which Applicants would have an opportunity to address the outstanding rejections or objections.

35 USC § 112 Rejection

Claim 49 is rejected under 35 USC § 112, second paragraph.

The Examiner asserted that it is unclear how a purified and isolated nucleic acid molecule can be inside a host cell.

The Examiner suggested that claim 49 be amended to refer to the vector of claim 48.

Applicants respectfully request reconsideration and withdrawal of this rejection for the following reason.

As suggested by the Examiner, claim 49 was amended to refer to the vector of claim 48.

Reconsideration of this rejection is requested.

Claim Amendment Suggestions

(i) *The Examiner asserted that it appears to be redundant to recite nucleic acid molecule twice in claims 33 and 52.*

The Examiner suggested that the claims be amended to recite “a purified and isolated nucleic acid molecule comprising (i) the sequence of SEQ ID NO: 3”.

In an effort to place the application in condition for allowance, claims 33 and 52 were amended as suggested by the Examiner.

(ii) *The Examiner suggested that the term “a” be replaced with “the” in the dependent claims.*

In an effort to place the application in condition for allowance, claim 47 was amended to refer to “The nucleic molecule” instead of “A nucleic molecule”, as suggested by the Examiner.

Specification Objection

The Examiner asserted that the application fails to comply with 37 CFR §§ 1.821(d) because the sequences of Figures 4 and 41 fail to recite SEQ ID NOS.

Applicants respectfully request reconsideration and withdrawal of this objection for the following reason.

In an effort to correct a clerical error, Applicants amended the sequence listing to include the sequence provided in Figure 41 as required under 37 CFR § 1.821-1.826. No new matter is added by this substitute sequence listing. Applicants have enclosed a Statement to support the filing of this substitute sequence listing and the CRF of the same.

A copy of the “Notice to Comply” is enclosed herewith.

Reconsideration of this objection is requested.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or during the pendency of this application, or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

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